



17157 USPTO

040204

22390 U.S. PTO
10/817549
040204PATENT
Docket No. 0341-0030.42

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior Application:

Examiner: M. DesantoArt Unit: 3763

I hereby certify that this 37 CFR 1.53 request and the documents referred to as attached therein are being deposited with the United States Postal Service on April 2, 2004 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label Number EV 423513018 addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

ARMANDO CHING
name of person signing

Armando Ching
signature

MAIL STOP - PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF FILING UNDER 37 CFR 1.53

1. This is a request for filing a

Divisional

Continuation

application under 37 CFR 1.53 of pending prior application Serial No. 09/468,496 filed on December 21, 1999 which is a divisional of prior application serial no. 08/897,358 filed on July 21, 1997 which is a continuation of serial no. 08/330,327 filed on October 27, 1994, for Method and Apparatus For Treating A Desired Area In The Vascular System Of A Patient.

2. True Copy of Original Prior Application Papers Attached.

I hereby verify that the attached papers are a true copy of the above-identified prior application 08/330,327 as originally filed on October 27, 1994, including the oath or declaration originally filed (37 CFR 1.60).

3. Amendments

Cancel in this application original claims ____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

Please enter the enclosed Preliminary Amendment (prior to calculating the filing fee)

4. Information Disclosure Statement

An Information Disclosure Statement is enclosed herewith.

5. Fee Calculation (claims pending after entry of any amendments above)

Applicant is a small entity

Other than small entity

For	Number Filed	Number Extra	Rate sm/lg ent.	Fee
Total Claims	4	-20 = 0	x \$9/18	\$0.00
Independent Claims	2	- 3 = 0	x \$43/86	\$0.00
Multiple Dependent Claims	No		\$290/145	\$0.00
Basic Fee (minimum amount required)			\$385/770	\$385
Assignment			\$40	\$0
Total Filing Fee				\$385.00

6. Fee Payment

A check in the amount of \$385.00 is enclosed

Please charge deposit account 50/1039 in the amount of \$_____.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50/1039. A duplicate copy of this sheet is enclosed.

7. Drawings

New formal drawings are enclosed.

Informal drawings are enclosed.

8. Foreign Priority

Priority of foreign application serial no. _____ filed on _____ in _____ is claimed under 35 U.S.C. 119.

The certified copy has been filed in prior U.S. application Serial No. _____.

The certified copy will follow.

9. Relate Back -- 35 U.S.C. 120

[] Please amend the specification by inserting before the first line the sentence:

10. Inventorship

With respect to the prior copending U.S. application from which this application claims benefit under 35 USC 120 the inventor(s) in this application is (are):

[X] the same

[] less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

11. Assignment

[X] The prior application is assigned of record to Novoste Corporation.

[] An assignment of the invention to _____ is attached (with cover sheet) for recording.

12. Maintenance of Copendency of Prior Application

[] A petition, fee and response has been filed to extend the term in the pending prior application until _____ or

[] A conditional petition for extension of time is being filed in the pending parent application (copy enclosed).

13. Power of Attorney

[X] The power of attorney in the prior application is to: Mark J. Murphy and others, registration no. 34.225

[X] The power appears in the original papers in the prior application.

[] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

[X] Address all future communications to:

Mark J. Murphy
Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.
200 West Adams St., Ste. 2850
Chicago, IL 60606

Respectfully submitted,

Date: April 2, 2004



Mark J. Murphy
Registration no. 34,225

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